

### **REMARKS**

Claims 1-9 stand finally rejected in the last Office Action in which the Examiner has reinstated a rejection under Section 103 based on the previously cited Jeon et al. patent which rejection had previously been withdrawn. The reinstatement of the 103 rejection under Jeon, without comment, is what created the confusion regarding the prior rejection and the availability of Jeon as a prior art reference. It should also be noted that in the outstanding Office Action, no mention is made of Claims 4, 5 and 6. Are they also rejected or do they stand allowable subject to being redrafted in independent form? Because of the prior confusion regarding Jeon et al. and the failure of the Final Office Action to mention Claims 4, 5 and 6, it is respectfully submitted that the finality of the outstanding Office Action should be withdrawn. It is also respectfully submitted that the cited reference do not make obvious the subject matter set forth in the claims.

The Lucien et al. patent fails to disclose metallic elements being adhered together as the Lucien specification specifically discloses a rubber cylinder 12 and a rubber column 14 whereas the subject matter of the present invention includes a spindle and guide sleeve made of metal. Claim 1 has been amended to specifically recite the metallic nature of these elements. It is submitted that a reference disclosing the securement of rubber elements by an adhesive would not suggest to one that the metallic spindle and surrounding guide sleeve should or even could be joined together by an adhesive.

The cited Taylor reference discloses a cylinder 12 and a cap 24 which is adhered to one end of the cylinder so as to close the cylinder. Accordingly, the structure of Taylor is quite different from the subject invention wherein the inner surface of a guide sleeve is adhered to and about a spindle such that the lower end of the sleeve extends from the lower portion of the spindle to prolong the length of the stroke.

The cited Fulks et al. patent does disclose a structure somewhat related to the subject invention. The Fulks et al. device, however, is different from Applicant's invention and there is no suggestion either in Folks or Jeon that the concept of an adhesive as employed in Fulks could be employed in the Jeon device. Fulks discloses a securing method with a cylinder and cap to secure the cylinder by adhesive but provides no suggestion that an adhesive could be adapted to the contact surface between the spindle and the guide sleeve to secure the guide sleeve within the outer peripheral of the spindle. Further, as seen in Figure 9 of Fulks et al., the Fulks device requires a groove 130 and a hole 122 to form an adhesive layer which would undoubtedly complicate the manufacturing process and increase the cost of the suggested combination. The cost savings resulting from the use of a simple adhesive layer between the spindle and guide sleeve fitted together without any additional attachment would be lost in attempting to combine Fulks with Jeon.

While many uses of adhesives to secure a wide variety of materials together, including metals, are well known, the application of an adhesive as

applied by Applicant is not. Indeed, it is a unique application that provides substantial benefits. In a structure such as Jeon if the spindle is struck by an external force, the spindle could be badly deformed and weakened along a limited portion and the resulting deformation of the spindle would prevent the proper upward and downward movement of the piston. In addition, the flow of the internal gases could readily be blocked by any such deformation of the spindle. In contrast, the use of an adhesive not only provides substantial cost savings but by virtue of its continuous securement throughout the area of attachment, substantially increases the reliability of the movement of the gas spring.

For all of the reasons set forth above, it is respectfully submitted that the claims in the application clearly define patentable subject matter over the art of record. It is also submitted, that the outstanding Office Action should not have been made final for the reasons stated. Accordingly, reconsideration of these issues is respectfully requested.

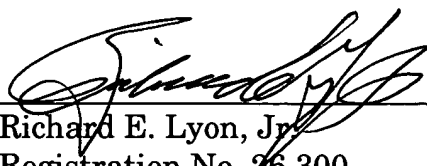
Respectfully submitted,

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